



00862.022404

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: Daniel D. Abebe
KENICHI FUJII ET AL.)
: Group Art Unit: 2655
Application No.: 09/972,996)
:
Filed: October 10, 2001)
:
For: SPEECH RECOGNITION SYSTEM,) May 15, 2006
SPEECH RECOGNITION APPARATUS, :
AND SPEECH RECOGNITION METHOD)

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181(a)
TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON NON-RECEIPT OF NOTICE OF ALLOWANCE

Sir:

A Notice of Abandonment issued on April 14, 2006 in the above-identified application, stating that the application has been abandoned because Applicants did not timely pay the issue fee and publication fee within the statutory period of three months from the mailing date (November 16, 2005) of the Notice of Allowance.

Applicants hereby petition to withdraw the holding of abandonment because Applicants never received the Notice of Allowance mailed on November 16, 2005.

In accordance with the requirements of M.P.E.P. § 711.03(c)I.A., a statement of the undersigned practitioner that the Notice of Allowance was not received by him and

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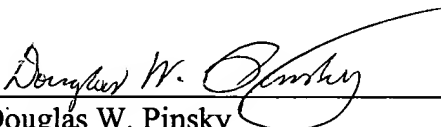
attesting to the fact that a search of the file jacket and docket records indicates that the Notice of Allowance was not received, and a copy of the docket records where the non-received Notice of Allowance would have been entered had it been received and docketed, are submitted herewith.

In addition, the undersigned practitioner has contacted the firm's docketing clerk, Mark Chanderdatt, in the firm's New York office to determine whether the November 16, 2005 Notice of Allowance was received from the Patent and Trademark Office. Mr. Chanderdatt has reviewed the firm's docketing records and confirms that the Notice of Allowance was not received. A Declaration by Mark Chanderdatt is also submitted herewith.

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any fee that may be associated with the filing of this paper.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Douglas W. Pinsky
Attorney for Applicants
Registration No. 46,994

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

DWP/klm



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STATEMENT BY DOUGLAS W. PINSKY
UNDER MPEP § 711.03(c)I.A.

Sir:

I, the undersigned DOUGLAS W. PINSKY, declare and say that:

1. I am an associate in the Washington, D.C. office (1900 K St., N.W., Washington, D.C. 20006) of the law firm of Fitzpatrick, Cella, Harper & Scinto ("our firm"), whose main office is located at 30 Rockefeller Plaza, New York, New York 10112. I have been with our firm since October, 2000.

2. I have searched the file jacket for the above-identified application and our firm's docketing records and have concluded that these records indicate that a Notice of

Allowance, allegedly mailed by the Patent and Trademark Office on or about November 16, 2005, for the above-identified application, has not been received by our firm.

3. More specifically, I have reviewed our firm's docketing records for February 16, 2005, the day on which a response to the Notice of Allowance was due and the record where an entry for a response would have been entered had our firm received the mailed Notice of Allowance. After reviewing our firm's docketing records for February 16, 2005, I have determined that no entry for a response to the Notice of Allowance was entered and therefore have concluded that the mailed Notice of Allowance was not received by our firm. A copy of our firm's docketing records for February 16, 2005, is submitted herewith. It is noted that portions of those docketing records have been redacted to prevent disclosure of confidential information.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated May 15, 2006


DOUGLAS W. PINSKY



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In re Application of:)	
	:	Examiner: Daniel D. Abebe
KENICHI FUJII ET AL.)	
	:	Group Art Unit: 2655
Application No.: 09/972,996)	
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Filed: October 10, 2001)	
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For: SPEECH RECOGNITION SYSTEM,)	
SPEECH RECOGNITION APPARATUS,	:	
AND SPEECH RECOGNITION METHOD)	

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MARK CHANDERDATT

Sir:

I, the undersigned MARK CHANDERDATT, declare and say that:

1. I am in charge of docketing at the law firm of Fitzpatrick, Cella, Harper & Scinto ("our firm"), 30 Rockefeller Plaza, New York, New York 10112, and have been with the firm since April, 1996.

2. I have checked our firm's docketing records to determine whether a Notice of Allowance, allegedly mailed by the Patent and Trademark Office on November 16, 2005, has been received by our firm for the above-identified application.

3. I have reviewed our firm's computerized docketing records relating to this case and conclude that a Notice of Allowance mailed November 16, 2005, has not been received by our firm for the above-identified application.

4. More specifically, I have reviewed our firm's master docket for February 16, 2005. Based on my review of the docket records, it is my conclusion that our firm has not received a Notice of Allowance mailed November 16, 2005, for the above-identified application.

5. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Dated

5-12-2006


MARK CHANDERDATT

DC_MAIN 240474v1

MASTER DOCKET - From 020106 to 022106

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Due Date	Docket Number	Attorney	Action	Application No
2/16/2006	01607-001100	<i>Request For Reconsideration by Hand Per ESH on 2/14/06</i>		
Remarks	(NO RECORD BEFORE 4/04) EMAIL 050504 - NO FOREIGN FILING;			10/641651
2/16/2006	03086-000009	<i>DeLuzia, Frank A.</i>	Convention Check	
Remarks	(BASED ON PVL APPLN) (MPS) Country of Origin - USA LastUpdate - 03-09-2005			
2/16/2006	00137-00002636	<i>DeLuzia, Frank A.</i>	Foreign Filing 1 month reminder	90/007467
Remarks	(COPY AMZ) RX 5494885 OF 022796 BY DAI NIPPON PRINT.CO. (GENERAL CO); FX 011805 - FILE REX ASAP; FX 030905 LastUpdate - 04-07-2005			
2/16/2006	03500.014318.1	<i>DeLuzia, Frank A.</i>	STATUS: CERTIFICATE OF CORRECTION 10/253638	
Remarks	#2879; (EXP04); 1.53B DIV - PATA/ALW=158; PTA/IFN=158; PTA/ALW=158; PTA/IFN=158; Country of Origin - JAPAN LastUpdate - 02-17-2005			
2/16/2006	03500.014318.1	<i>DeLuzia, Frank A.</i>	STATUS: CERTIFICATE OF CORRECTION 10/253638	
Remarks	#2879; (EXP04); 1.53B DIV - PATA/ALW=158; PTA/IFN=158; PTA/ALW=158; PTA/IFN=158; Country of Origin - JAPAN LastUpdate - 02-17-2005			
2/16/2006	03500.017553.	<i>DeLuzia, Frank A.</i>	STATUS: CERTIFICATE OF CORRECTION 10/655013	
Remarks	#2821; (EXP04) FLOPPY RCD Y/APLN; PTA/ALW=0; PTA/IFN=0; PTA/LP=0; Country of Origin - JAPAN LastUpdate - 02-17-2005			
2/16/2006	03500.017553.	<i>DeLuzia, Frank A.</i>	STATUS: CERTIFICATE OF CORRECTION 10/655013	
Remarks	#2821; (EXP04) FLOPPY RCD Y/APLN; PTA/ALW=0; PTA/IFN=0; PTA/LP=0; Country of Origin - JAPAN LastUpdate - 02-17-2005			



MASTER DOCKET - From 020106 to 022106

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Due Date	Docket Number	Attorney	Action	Application No
1/25/2006	02121-000500-1	Can, 2/16/06 (Ching Lock. # to 03005. 020300.1?)		10421628
Remarks	1.53B DIV - PAR TO ISSUE; #PREVIOUSLY 224.300 DI# OA OF 022805 IS 2 MOS XPQ; PTA=159	Di, 2/16/06 Raymond	Issue Publication Fee due	
2/4/2006	02121-000500-1			
Remarks	N2-82.70 3-16.06			
2/4/2006	02121-000500-1	Emm, Peter	Notice to File Missing Parts initial deadline	11/27/2005
Remarks	(PE) (BASED ON PVL APPLN) Last Update - 02-18-2005			
2/4/2006	02129-000800-PC	Ghaeck, Daniel S.	PCT 10 month Chapter II Demand Deadline	11/27/2005
Remarks				
2/4/2006	02129-000800-PC	Ghaeck, Daniel S.	Receive copy of published patent specification	11/27/2005
Remarks				
2/4/2006	02300-014270	Ghaeck, Daniel S.	3 month Office Action initial deadline	09/06/2004
Remarks	2ND RCE FILED 11/18/04;			
2/4/2006	02124-006001	Gaist, Thomas	Notice to File Missing Parts initial deadline	29/243316
Remarks				
2/4/2006	01190-000500	Holmeyer, Elizabeth F.	Next renewal date	08/11/2008
Remarks	Country of Origin - USA Last Update - 06-13-2004			
2/4/2006	02082-022413	Ghaeck, Brian L.	Notice of Appeal due - Last Day	00/082177
Remarks	amend after final filed 091305;			

See above

No fee den

11/26/06 02011/26/06

MASTER DOCKET - From 020106 to 022106

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Due Date	Docket Number	Attorney	Action	Application No
2/16/2006	00862-022413	Klock, Brian L.	Appeal - 3 month extension	00082177
Remarks	amend after final filed 091305;			
2/16/2006	02369.009202.	Klock, Brian L.	STATUS: CERTIFICATE OF CORRECTION 09/040273	
Remarks	#2674; (KEEP AS BLK); IST CPA#110600; 1ST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (#COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005			
2/16/2006	02369.009202.	Klock, Brian L.	STATUS: CERTIFICATE OF CORRECTION 09/040273	
Remarks	#2674; (KEEP AS BLK); IST CPA#110600; 1ST RCE 110802; PTA/IFN=0; FDX 12/14-LP; (#COPY DSG##) Country of Origin - JAPAN LastUpdate - 04-20-2005			
2/16/2006	03560-003103	Klock, Brian L.	3 month Office Action initial deadline	10252702
Remarks	Amend by hand per JAB on 2/16/06 FLOPPY RECD W/APPLN;			
2/16/2006	03560-003103	Klock, Brian L.	3 month Office Action initial deadline	10252702
Remarks	Amendment by hand per B/k on 2/15/06			
2/16/2006	03620-002016	Kennett, Edward J.	Final 3 month Office Action initial deadline	104131289
Remarks	RCE + Amend + IDS by cam per JFT on 2/16/06 FAX 022103 - FILE IN EP/CN/KR/IP; CRT COPIES RCD 0321/032403; LastUpdate - 10-05-2004;			
2/16/2006	03650-002700	Magtayan, John J.	Notice to File Missing Parts Initial deadline	11/274133
Remarks	Dec w/ Sum. + Assignment by courier per JSM on 2/15/06 (NO MEMO - PARTIAL RECORDS) (BASED ON PVL APPLN)			
2/16/2006	03500-010698.3	Melpode, Scott D.	RQ INTF STAT-47	09/511243
Remarks	Doi. IX #2873;(35.C10698 C/D2);#ORIG AMZ; COPY DSG# ##REQ FOR INTF FILED## COPY CLMS RE: PAT 6195207;			

MASTER DOCKET - From 020106 to 022106

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Due Date	Docket Number	Attorney	Action	Application No
2/16/2006	03560-003283	Oken, Jason M	AMEND	287 219-252
Remarks			FINAL 3 month Office Action initial deadline	10/13/027
2/16/2006	03560-125975	Oken, Jason M	Convention Check	
Remarks				
2/16/2006	00684-002934	Oliver, Justin J	Format Drawings Due	10/876530
Remarks	1.53B DIV ; PTA=80; IPT 122205 - Proposed drawings okay;			
2/16/2006	03560-103117	Oliver, Justin J	Amendment + IDS w/ \$180.00 by Hand per JFO on 2/16/06	
Remarks			3 month Office Action initial deadline	11/003465
2/16/2006	00684-003463	O'Neil, Michael K	[Handwritten: 3 month Office Action initial deadline]	11/003465
Remarks	1.53b div;			
2/16/2006	03560-004013	O'Neil, Michael K	NO Appeal + Pet 2x by com per JFT on 2/16/06	
Remarks	#2161; TLCPY 021003 - NO FOR FILING; TLCPY 112602 - RQ FOR OFR; Last Update - 03-29-2005		FINAL 3 month Office Action 3 month extend	10/072206
2/16/2006	03560-001048	O'Neil, Michael K	Extension per JFT on 2/16/06	287 2116-252
Remarks	FX 060303 - NO FRGN FILING;			
2/16/2006	00766-000043	Perry, Lawrence S	US. v S-W. v b L W/ A	287 2116-252
Remarks	NATL PHASE OF PCT/JP00/01148 OF 022800; 1ST RCE FILED 042704;			

MASTER DOCKET - From 020106 to 022106

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Application No 020106

Attorney Action

Due Date Docket Number Attorney Action

2/16/2006 00802-022180-1 Pinsky, Douglas W. Amend + Pet SK by hand in SAB on 2/16/06

Remarks 1.53B DIV - PAR TO ISSUE; SWS 112505 - prepare & send disclaimer

Amend by hand per SAB on 2/16/06

2/16/2006 00802-015402 Pinsky, Douglas W. (JOINT ASSIGNEE); 1ST RCE FILED 041604; FEDEX 041205 - ASSIGN

2/16/2006 00802-003733 Pinsky, Douglas W. Reminded on 2/16/06

Remarks PTA/ALW=0; PTA/IFN = 0 DAYS; FX 020304 - RQ FOR OFR; FEDX 033004 - ORIG LP; M-FEES TO BE PAID BY CPA; Request for Reconsideration on Petition due 09/452818

2/16/2006 01997-030500-PC Russo, Alicia A. (NO MEMO - NO RECORDS)

No ASEP. ~ AAAL/Am 2-15-06

2/16/2006 01997-030500-PC Russo, Alicia A. (NO MEMO - NO RECORDS)

NI-DEI to 3-16-06

2/16/2006 03500-017167 Sexton, Peter (NO MEMO - NO RECORDS)

Amend by hand in SAB on 2/16/06

Remarks 1.53b div; Tlcpy 101105 - amend claims; tlcpy 101105 - amend claims in use; Fax 102005 - Defer filing claims; 3 month Office Action initial deadline 11/200179

Amend by hand in SAB on 2/16/06

2/16/2006 00802-003306 Wamsley, William M. (NO MEMO - NO RECORDS)

Remarks Tlcpy 101105 - amend claims; Fax 102005 - Send draft claims; Fax 102705 - Defer filing Claims for now; 3 month Office Action initial deadline 11/200185

MASTER DOCKET - From 020106 to 022106

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Due Date	Docket Number	Attorney	Action	Application No
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2/16/2006	00862-002006-1	Warner, Steven E.	RECEIVED PER ACTION AFTER FINAL BY HAND PER ISC on 2/14/06	10/654006
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Remarks 1.53B DIV - PAR TO ISSUE; 1ST RCE FILED 022805;

RCE + PRELIM BY HAND PER WMV on 2/17/06

2/16/2006	00862-002006-1	Warner, Steven E.	FINAL 2 month Office Action initial deadline	11/21/5044
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Remarks IPT 011106 - RCE W/PRELIM;

RCE + PRELIM BY HAND PER SEU on 2/10/06

2/16/2006	00862-002006-1	Warner, Steven E.	FINAL 3 month Office Action initial deadline	10/20/0004
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Remarks 1.53B DIV - PAR TO ISSUE; (P199-1499USA); EMAIL 022205 - RE: ERROR IN SBST SPEC;

Ans + Rep Quey by hand per SEU 2/2/06

2/16/2006	00862-002006-1	Warner, Steven E.	FINAL 3 month Office Action initial deadline	11/06/9784
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Remarks FLOPPY RCD W/APLN; IPT 122805 - INSTR;

See Above

2/16/2006	00862-002006-1	Warner, Steven E.	Drawings Correction Due	11/06/9784
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Remarks FLOPPY RCD W/APLN; IPT 122805 - INSTR;

No AF

2/16/2006	00862-002006-1	Williamson, Mark A.	Foreign Filing 6 month reminder	11/20/4359
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Remarks amend a/f filed 071505; 1.53b div filed 081605

Per ASD 2/15/06

2/16/2006	00862-002006-1	Williamson, Mark A.	Foreign Filing 6 month reminder	10/65/0085
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Remarks FLOPPY RCD W/APLN; PTA=13

NJ-DC-30 3-11-06

2/16/2006	01907-002006-1	Yu-Jehnes, Leek See	FINAL 2 month Office Action initial deadline	10/479177
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Remarks CLI LET 011303 - INQRY; FAX 101305 - CLIENT DISAGREE WITH EXAMINER;

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